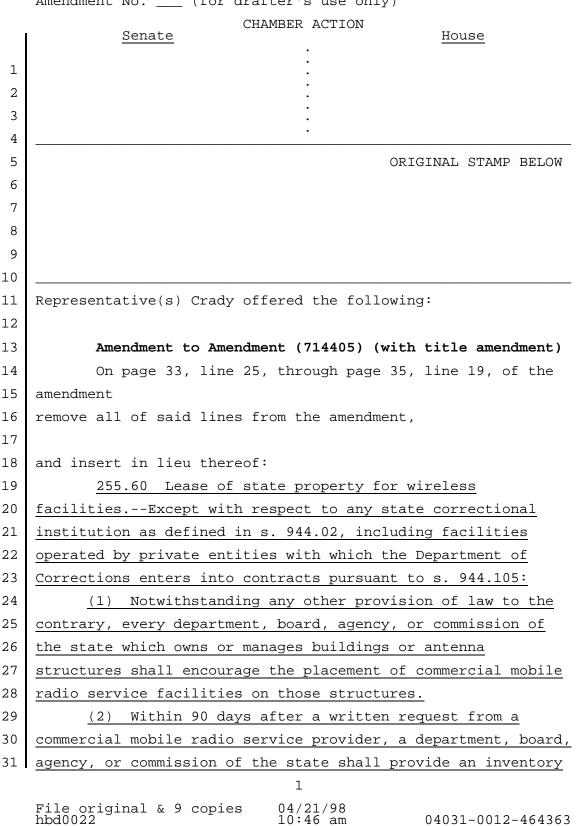
HOUSE AMENDMENT

Bill No. CS/HB 4031



Amendment No. ____ (for drafter's use only)

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04031-0012-464363

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of all buildings and antenna structures over 40 feet in height 1 2 that it owns or manages. 3 If a commercial mobile radio service provider is (3) 4 interested in attaching its wireless facilities to a structure owned by the state, the provider must submit a letter of 5 interest to the agency managing the structure, together with б 7 an application fee of \$250. The letter must describe in reasonable detail the provider's requirements for placing its 8 facilities on the structure. Within 45 days after receipt of 9 10 the letter, the state agency must notify the provider of the site's availability and, if available, allow the provider to 11 12 perform on-site testing. All state owned structures are 13 hereby declared available unless the proposed facilities would adversely impact the historic or environmental character of 14 15 the site, the structural integrity of the structure, or the department's expressed desire to locate its own communications 16 17 facilities on the structure. 18 (4) If a commercial radio service provider desires to locate its facilities on an available state structure, the 19 state agency managing the structure shall enter into a lease 20 with the provider without competitive bidding or procurement. 21 The terms of the lease shall follow the terms of a model lease 22 which the Department of Management Services must establish 23 24 within 120 days of the effective date of this act. The model lease shall include, but not be limited to, the following 25 26 provisions: 27 (a) Rent shall be based on fair market value of comparable communication facilities in the state. 28 29 The provider shall be entitled to make reasonable (b) modifications to the structure to allow their use, including 30 the replacement of an existing pole or tower with a new 31 2 04/21/98 File original & 9 copies

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structure of not more than 125 percent of the original height. 1 2 (C) The provider shall be allowed reasonable space in, 3 on or near the structure to connect and house any accessory 4 equipment. 5 (d) The provider shall design all antenna attachments 6 and shelters to minimize any aesthetic impact. 7 (e) The provider's use shall not interfere with any 8 current or future use of the site by the state. (f) The duration of the lease shall be 5 years and 9 10 shall grant the provider options to renew for three additional 11 5-year terms. 12 (5) Fifty percent of all revenue derived from the lease of state property under this section shall be credited 13 14 to the agency that manages the property and the remaining 50 15 percent shall be credited to the school improvement and academic achievement Trust Fund. If the tower is owned by or 16 17 under the control of the Department of Management Services, all funds shall be placed in the State Agency Law Enforcement 18 19 Radio System Trust Fund. 20 21 22 And the title is amended as follows: 23 24 On page 58, line 13 of the amendment 25 insert after the word "facilities": 26 27 , other than correctional facilities, 28 29 30 31 3

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